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OFFICE OF PETITIONS

In re Application of :
Marinier :
Application No. 10/629420 :
Filed: July 29, 2003 :
Attorney Docket No. I-2-0362.1US :
For: EQUALIZING SIGNAL-TO-
INTERFERENCE RATIOS OF DIFFERENT
PHYSICAL CHANNELS SUPPORTING A
CODED COMPOSITE TRANSPORT
CHANNEL

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed on August 14, 2006 (certificate of mailing date August 10, 2006), which is being treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

The above-identified application became abandoned for failure to timely reply to the Notice of Allowance and Fee(s) Due, mailed April 7, 2006, which set a period for reply of three (3) months. Having received no reply, the Office considered the application abandoned on July 8, 2006. A Notice of Abandonment was mailed on August 25, 2006.

Petitioner alleges that the April 7, 2006 Notice of Allowance and Fee(s) Due was not received at the correspondence address of record and therefore, the application is not really abandoned. The undersigned finds this assertion completely convincing because the Office action in question was returned to sender and received in the Office on April 14, 2006.

The petition under 37 CFR 1.181 is granted. The holding of abandonment is withdrawn and the August 25, 2006 Notice of Abandonment is vacated.

Regarding fees, the \$500.00 petition fee filed with the petition under 37 CFR 1.137(a) will be credited to deposit account 09-0435.

Since petitioner has paid the issue fee and publication fee and returned a completed PTOL-85(b), it is unnecessary to re-mail the Notice of Allowance and Fee(s) Due.

After the mailing of this decision, the application will be forwarded to Publications Division for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.



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Office of the Deputy Commissioner
for Patent Examination Policy